

REMARKS**A. Overview**

Claims 1-29 are pending in the present application. Claims 1, 4, 22, 24 and 25 have been amended and claims 2-3 and 26 have been cancelled. The present response is an earnest effort to place all claims in proper form for allowance. Reconsideration and passage to issuance is therefore respectfully requested.

B. Allowable Claim

Applicant gratefully acknowledges the finding of allowability of claim 28 and resubmits and accepts that claim.

C. Amended Claims

The Office Action has been reviewed and carefully evaluated. Certain claims have been rejected as anticipated by the Polley, U.S. Patent No. 6,040,512, previously of record. Other claims have been rejected as obvious based on a combination of Polley and Jonathan, U.S. Patent No. 4,993,302. Several claims have been rejected as obvious based on Polley in view of U.S. Published Application No. 2002/0108483 A1. Finally, claims 3-5, 26, and 29 have been rejected as obvious based on Polley in view of Hodesh, U.S. Published Application No. 2005/0217456 A1.

The Hodesh publication has been reviewed and indicates an earliest claimed priority date of August 27, 2003 (the filing date of U.S. Provisional Application No. 60/497,902). The present application was filed April 13, 2004, but claims priority to U.S. Provisional Application No. 60/462,665, filed April 14, 2003. It is therefore respectfully submitted that Hodesh is not legal

prior art to the present claimed invention. It is therefore respectfully submitted that claims 3-5, 26, and 29 are also allowable.

Although Applicant respectfully traverses the other rejections in the Office Action, to advance prosecution of this application, but without prejudice to pursuing additional coverage in related applications, Applicant has amended the claims as follows:

1) The subject matter of claim 3 has been added to independent claim 1. As stated in Applicant's prior response, no cited reference that is legal prior art discloses or teaches the concept of an adhesively removable or cohesive removable thin piece for a guitar pick grip. The Examiner relies on the Hodesh publication. However, since it has been shown not to be legal prior art, it is respectfully submitted Applicant's claim 3 is allowable and therefore amendment of claim 1 to include the limitation of claim 3 places claim 1 in allowable form. Because claim 3 was dependent from claim 2, the contents of claim 2 were also included in claim 1. For this reason, it is respectfully submitted that a *prima facie* case of claim 3 is not made out and that the amendment of claim 1 places claim 1 in allowable form.

Support for this limitation can be found in Applicant's Provisional Application Serial No. 60/462,665 filed April 14, 2003 at least at page 5, second full paragraph. It is noted that the filing date of the present application, April 13, 2004, precedes the filing date of Hodesh, U.S. Publication No. 2005/0217456 A1 (April 30, 2004). Therefore Hodesh is not *prima facie* prior art against Applicant's application. And further, Applicant's priority date of its provisional pre-dates the filing date of the provisional cited in Hodesh.

Claims 2 and 3 have been cancelled and the dependency of claim 4 changed to claim 1. Claims 4-21 are dependent from amended claim 1 and are submitted to be allowable for the reasons expressed in support of claim 1.

2) Independent claim 22 has been amended to add in the phrase "is removably cohesive to the gripping portion". This language is similar to that of claim 4 and claim 26. As previously mentioned, it is submitted that Hodesh is not legal prior art and that claims 3-5, 26, and 29 are not unpatentable based on the combination of Polley and Hodesh. The Examiner admits at Office Action page 4, section 6, paragraph 2, that Polley does not disclose material that is adapted for removable adhesion to a pick, but uses the teaching of Hodesh in combination with Polley to reject Applicant's claims 3-5, 26 and 29 for obviousness. Because Hodesh is not legal prior art, it is submitted claims 4 and 26 are allowable. Therefore, the addition of the limitation similar to claim 26 and claim 4 to claim 22 is submitted to place it in form for allowance.

Claims 23 and 24 are dependent upon claim 22 and submitted to be allowable for the reasons expressed in support of claim 22.

3) Also, similarly, independent claim 25 has been amended to add the limitation of claim 26. The only rejection of claim 26 was on the basis of Polley in combination with Hodesh. Since Hodesh is shown not to be legal prior art, it is submitted claim 26 is allowable. Therefore, its addition to claim 25 should place claim 25 in form for allowance.

Claim 26 has been cancelled. Claim 27 is dependent on claim 25 and therefore submitted to be allowable for the reasons expressed in support of claim 25.

4) Finally, claim 29, submitted in the prior action, includes the limitation of that the piece of material "is adapted for removable adhesion to a pick". This is similar to the limitation of claim 3. For the reasons expressed in support of the allowability of claim 1, it is submitted claim 29 is allowable because Hodesh has been shown not to be legal prior art.

D. Conclusion

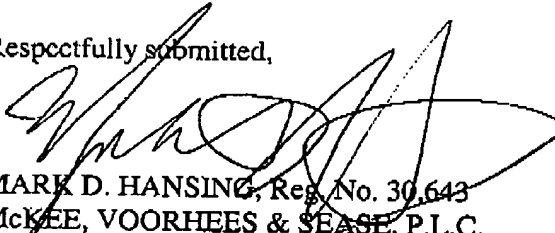
It is respectfully submitted that all matters raised in the Office Action have been addressed and remedied by this response and that all claims are in form for allowance.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

If this response does not result in allowability of all claims, the undersigned respectfully requests the courtesy of a telephonic interview with the Examiner to discuss any remaining issues prior to the issuance of any further written action in this application.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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